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Subject: COMMENT ON Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under Patient Protection and Affordable Care Act: Amendment (Document ID HHS-OS-2011-0023-0002)
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COMMENT ON Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under Patient Protection and Affordable Care Act: Amendment (Document ID HHS-OS-2011-0023-0002)

I urge HHS to rescind the Health Resources and Services Administration (HRSA) guidelines that force insurance plans to cover “all FDA approved contraceptives” and “sterilization.” HRSA’s mandate, issued under the Affordable Care Act (ACA) preventive services provision, includes drugs and devices with known life-ending actions, including the abortion-inducing drug ella.

The mandate is an unprecedented attack on the conscience rights of many Americans, eviscerating the freedom of choice to purchase private insurance plans that do not cover certain drugs and devices to which they have an ethical, moral or religious objection. Applying to nearly all insurance plans, many Americans will be forced purchase insurance that violates their consciences.

The mandate is contrary to the assurance of Sen. Mikulski, author of the preventive services provision, that abortion would not be mandated “in any way.” A selective progesterone receptor modulator (SPRM), ella, like the FDA-approved abortion drug RU-486, can kill a human embryo after implantation. Thus, by including ella, HRSA exceeded or abused the discretion it was granted under the ACA in determining what constitutes “preventive services.”

HHS’ proposed accommodation for a narrowly-defined set of “religious employers” fails to protect conscience rights. Most religiously-affiliated schools, hospitals, and charitable organizations would not be protected. Non-religiously affiliated institutions (whose pro-life consciences are nonetheless violated by the mandate) are unquestionably unprotected.

Conscience protections contained in the laws of several states are also disrupted. The guidelines and regulation supplant the reasoned judgment of the states with an ideologically-driven coercive measure.

Polling shows more Americans oppose than support the mandate; Rasmussen reports 46% oppose forcing “contraceptive” coverage, while only 39% approve.

HHS must take immediate action to revoke the inappropriate, coercive guidelines.

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